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2155

DOCKET NO. ENFO01-00011
Customer No. 23990

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : LISA A. FILLEBROWN, ET AL.
Serial No. : 09/773,885
Filed : February 1, 2001
For : PERSONAL WIRELESS NETWORK
Group No. : 2155
Examiner : Philip B. Tran

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the Decision (mailed December 6, 2005) in response to the Petition Under 37 C.F.R. §1.47 in Support of Declaration of Prior Invention Under 37 C.F.R. §1.131 (filed by Applicants on October 24, 2005), Applicants/Assignee respectfully request reconsideration of the Petition as a result of Applicants/Assignee hereby submitting a declaration evidencing that the non-signing inventor cannot be reached or refuses to sign the Declaration of Prior Invention Under 37 C.F.R. §1.131.

Applicants/Assignee further note that the instant Petition is (and will be) treated by the Office as a petition under 37 CFR 1.183 (instead of under 37 CFR 1.47), and all requirements for the

Petition have been met except for sufficient proof that the non-signing inventor cannot be reached or refuses to sign.

Applicants/Assignee are submitting herewith the Declaration of Robert D. McCutcheon showing that the non-signing inventor cannot be reached or refuses to sign after diligent effort by the Applicants/Assignee.

Therefore, Applicants/Assignee request reconsideration of the Petition.

If any issues arise, or if the Office has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Office to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 2/6/2006



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@davismunck.com*

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Customer No. 23990

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In re application of : Lisa Fillebrown, et al.

U.S. Serial No. : 09/773,885

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF ROBERT D. McCUTCHEON

1. This declaration is made in support of the petition (under 1.47) in support of the Declaration Under 37 C.F.R. 1.131.

2. The person making this Declaration is Robert D. McCutcheon, Registration No. 38,717.

3. As proof of the pertinent facts evidencing the unavailability of, or refusal to sign by, the non-signing inventor, Lisa A. Fillebrown, the undersigned counsel states the following:

- a. On January 5, 2006, the Assignee of the present application forwarded to me information that the Assignee reasonably believed was the current contact

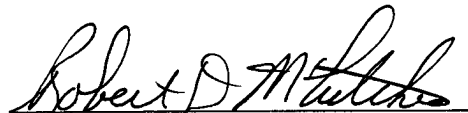
information for the non-signing inventor Lisa Fillebrown - 6708 Norway Court, Plano, Texas 75023, telephone number 972-517-8474.

- b. By letter dated January 6, 2006, the undersigned counsel forwarded, via Federal Express, a copy of the Declaration Of Prior Invention Under 37 C.F.R. 1.131 (and supporting documents) to co-inventor Ms. Lisa Fillebrown at 6708 Norway Court, Plano, Texas 75023, and requested review and execution of the Declaration (and supporting documents) and return of executed documents. No executed documents have been received.
- c. In response to a request made by the undersigned counsel's assistant for delivery information for the Federal Express package mailed on January 6, 2006 to Ms. Lisa Fillebrown, Federal Express records indicate that the shipment to Ms. Lisa Fillebrown was delivered on January 7, 2006 at 11:35 a.m. and signed or released by L. FILLEBROWN.
- d. On the morning of February 6, 2006, the undersigned counsel called the above-identified telephone number and left a message for Ms. Lisa Fillebrown regarding the Federal Express package and execution of the Declaration. No return phone call was received.
- 4. Attached are documents evidencing the foregoing.
- 5. The last known home address and phone number for co-inventor Ms. Fillebrown is:

6708 Norway Court
Plano, Texas 75023
972-517-8474

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/6/2006


Robert D. McCutcheon
Registration No. 38,717

DOCKET NO. ENFO01-00011

PATENT

Customer No. 23990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : LISA A. FILLEBROWN, ET AL.
Serial No. : 09/773,885
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Group No. : 2155
Examiner : Philip B. Tran

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Request for Reconsideration;
2. Declaration of Robert D. McCutcheon;
3. Copy of letter to Lisa A. Fillebrown (dated January 5, 2006) with attached Declaration of Prior Invention Under 37 C.F.R. 1.131, copy of Federal Express Ship Manager dated January 5, 2006, and copy of Federal Express Tracking page confirming delivery of package to L. Fillebrown on January 6, 2006; and
4. A postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 6, 2006.

Date: 2/6/06

Date: 2/6/2006

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: rmccutcheon@davismunck.com

Kathy Ceder
Mailer
Robert D. McCutcheon
Robert D. McCutcheon
Reg. No. 38,717



Robert D. McCutcheon
(972) 628-3632 (Direct Dial)

January 6, 2006

E-MAIL: rmcutcheon@davismunck.com

CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Ms. Lisa Fillebrown
6708 Norway Court
Plano, Texas 75023

Via Federal Express

Re: U.S. Patent Application Serial No. 09/773,885 for "PERSONAL WIRELESS NETWORK"
Our File: ENFO01-00011

Dear Ms. Fillebrown:

Our firm works on behalf of Enfora, L.P. ("Enfora") as outside patent counsel. We would like to request your assistance with a patent application that we are responsible for prosecuting for Enfora. This concerns the patent application (in which you are a co-inventor) entitled "PERSONAL WIRELESS NETWORK" which was filed with the U.S. Patent Office (USPTO) on February 1, 2001.

The USPTO has rejected the application based on a reference dated close to the filing date of the application. The US patent system will issue a patent to the inventor who is "first to invent." Clearly, the date of submission of your invention as a disclosure to Enfora predates the reference that has been cited against the application. However, the date of filing of the patent application was after the date of the reference. Accordingly, to overcome the reference, it would be desirable to obtain and file with the USPTO a declaration of prior invention signed by you. Such declaration must be signed by all inventors. We note that the declaration (and supporting document) has already been signed by the other two co-inventors and submitted to the USPTO.

Enclosed is a declaration for your review and signature. Attached is a copy of the Nextcell BlueTooth Strategy Review document that forms part of the declaration to be submitted to the USPTO (you will note that certain dates in the document have been redacted, which is appropriate and allowed by the USPTO). After your review, please separately sign the declaration (and fill in the residence and citizenship information) and fax back to me at the facsimile number 972-628-3616. Please also place the original executed declaration (along with the attached invention disclosure form) in the enclosed self-addressed envelope, postage paid, and return to me.

COPY

Ms. Lisa Fillebrown
January 6, 2006
Page 2

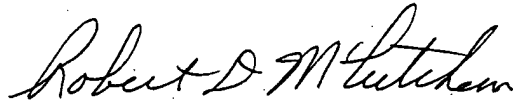
If you have any questions about the declaration, please do not hesitate to contact me at 972-628-3632.

Since the USPTO only allows a limited amount of time to respond to such rejections, we would request that you fax back the signed declaration as soon as practical.

On behalf of Enfora, we thank you for your assistance in this matter.

Regards,

DAVIS MUNCK, P.C.

A handwritten signature in cursive script, reading "Robert D. McCutcheon".

Robert D. McCutcheon

RDM/kc
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Lisa A. Fillebrown, et al.
Serial No. : 09/773,885
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For : PERSONAL WIRELESS NETWORK
Group No. : 2155
Examiner : Philip B. Tran

MAILSTOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131

1. This declaration is being made to establish invention of the subject matter of this application, in the United States (or a NAFTA or WTO country), on a date prior to the effective date of United States Patent No. 6,721,787 (the "Reference"), which was cited by the U.S. Patent and Trademark Office in an Office Action having a mailing date of May 19, 2005.

2. The person(s) making this Declaration are the named inventor(s) whose signature(s) appear(s) below.

3. Upon information and belief, the effective date of the Reference is February 10, 2000.

4. Attached to this Declaration is a document entitled "Bluetooth Strategy Review" (31 pages), which was prepared and distributed internally at Nextcell (our former employer and the predecessor to the assignee of the present application) on or before February 9, 2000. The present invention is described in the attached document (*see, e.g.,* pages 9 *et seq.*). Accordingly, the present invention was conceived prior to the effective date of the Reference.

5. The United States provisional patent application, upon which the present application properly claims priority, was filed on June 16, 2000, approximately four months after the effective date of the Reference. Accordingly, there was due diligence from prior to the effective date of the Reference to the filing of the present application.

6. As demonstrated above, the invention in the present application was conceived at least as early as February 9, 2000, prior to the effective date of the Reference, and was coupled with due diligence from prior to such effective date to the filing of the present application.

7. Upon information and belief, this Declaration is being submitted prior to a final rejection of the present application.

8. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

SIGNATURES:

Inventor: Lisa A. Fillebrown

Inventor Residence: _____

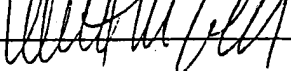
Inventor Country of Citizenship: U.S.A.

Inventor Signature: _____

Inventor: Kenneth M. Glover

Inventor Residence: 565 INDIAN ROCK DR.
COPPER HILL, TX 75019

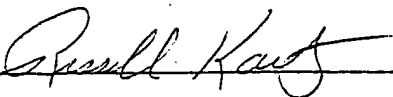
Inventor Country of Citizenship: U.S.A.

Inventor Signature: 

Inventor: Russell D. Kautz

Inventor Residence: 4248 Fryer Street
The Colony, tx 75056

Inventor Country of Citizenship: U.S.A.

Inventor Signature: 

 **nextcell**

Bluetooth Strategy Review

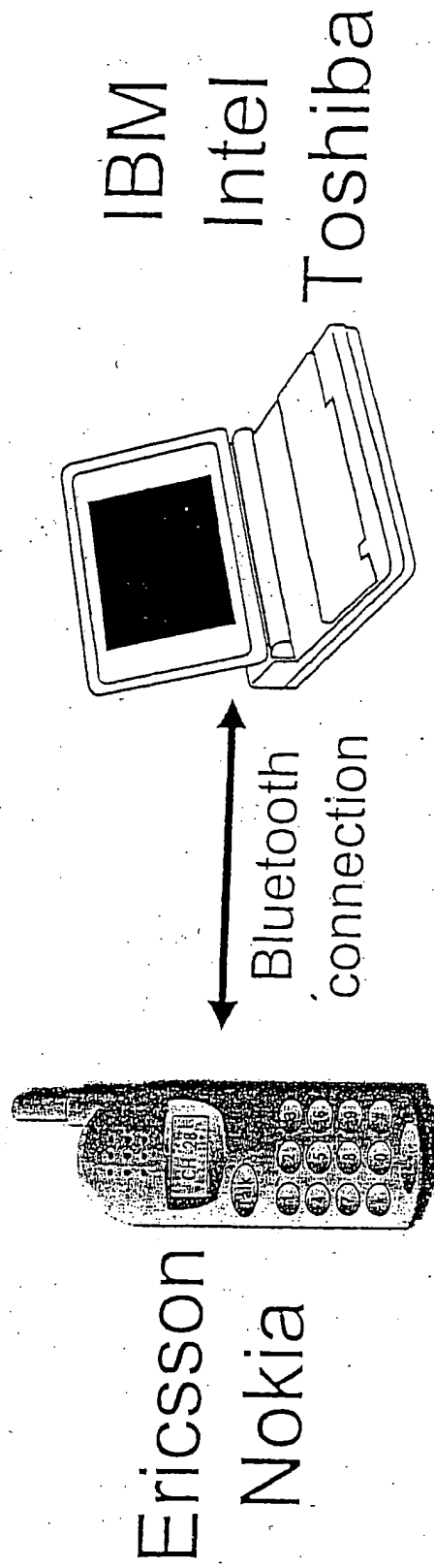
[REDACTED]

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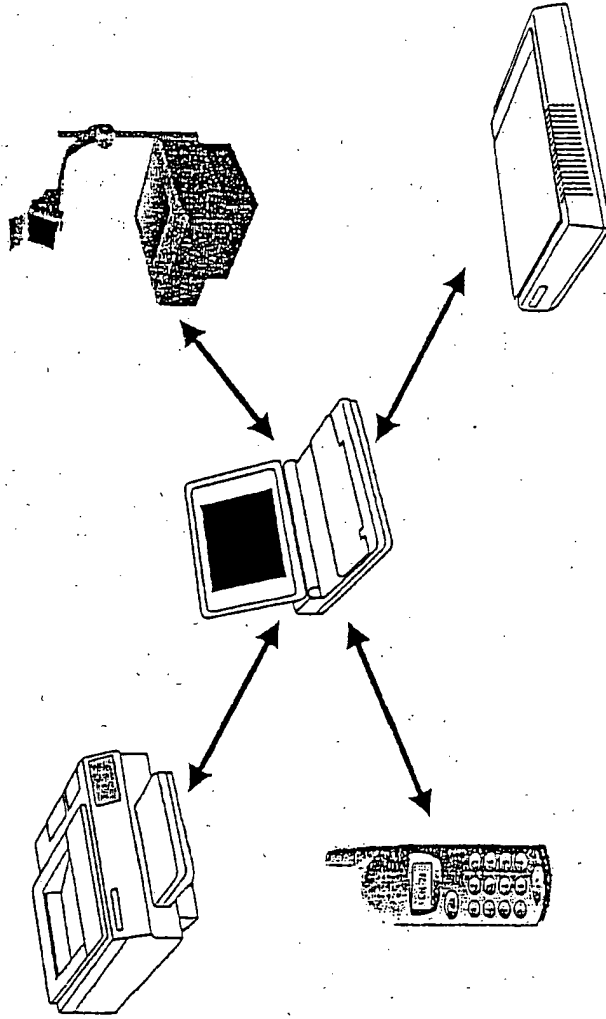
The Bluetooth Beginning

Wireless Phone - Computer merge



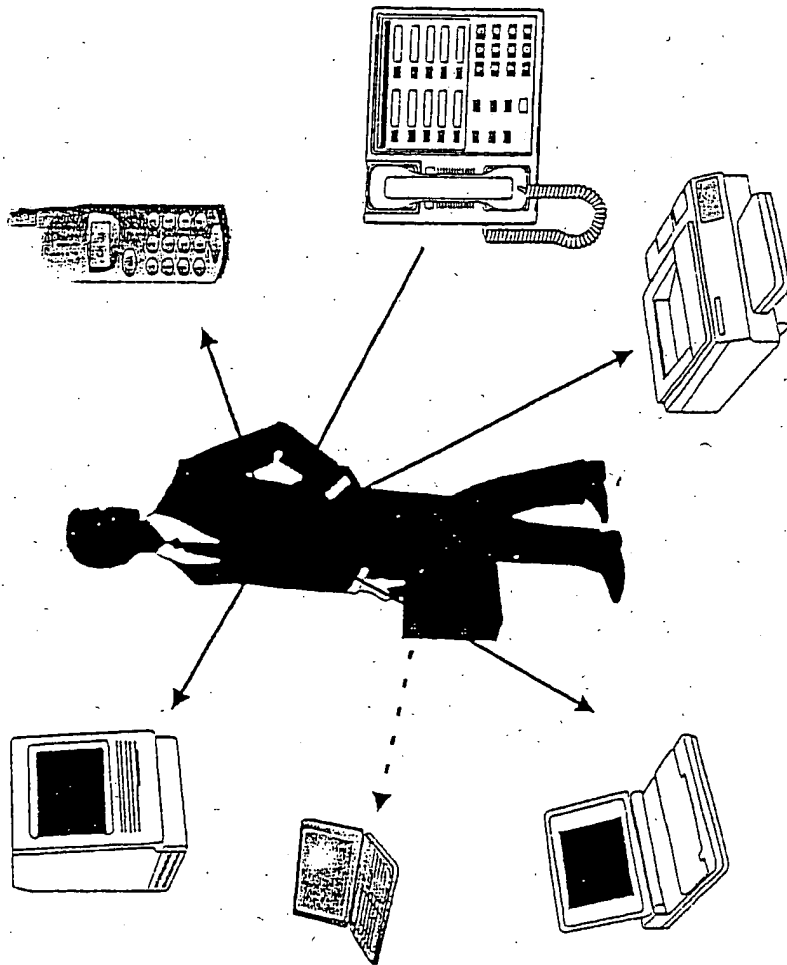
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Bluetooth Evolution -Cable Replacement-



nextcell

Bluetooth Evolution Personal Area Network





Bluetooth's Target Usage

- Personal Area Network (PAN)
- Point to point data transfer
- Components are low cost commodities
- No RF expertise required to implement





Typical Bluetooth Implementation

- Companies will be adding Bluetooth to existing products to make product differentiation, re-sell to existing customers, or to add new functionality.
- There is little talk about 'Bluetooth products', only current products that have been Bluetooth enabled.





Typical implementation applied to Nextcell

- Adding Bluetooth to our CDPD or GPRS products will only marginally increase number of sockets.
- Total sales will still depend more on other outside factors such as traffic speed and cost, infrastructure, and applications.





Nextcell's Opportunities

- Take a system view of Bluetooth
- Develop a implementation radically different then the rest of the Bluetooth community.
- Develop in a product area which will be new to Nextcell and unique in the market.



nextcell

The NextCell Bluetooth Network





Why a Bluetooth Network?

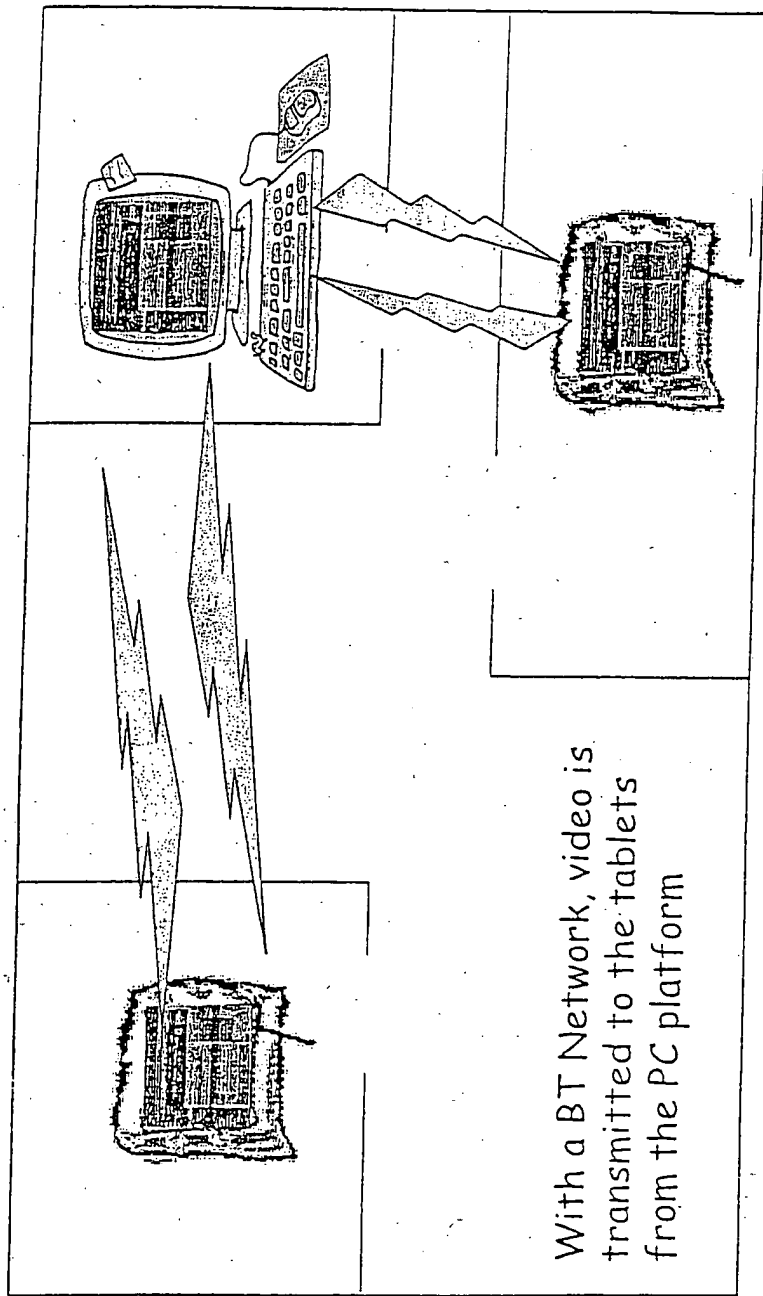
- Simpler Scalability
 - Cheaper (802.11 and Bluetooth)
- Portability
 - Adhoc Nature
- BT Scatternet Experts
 - Current BT market focusing on Point-to-Point
- Multi-market appeal
 - Consumer/home
 - SOHO
 - Enterprise
 - Industry specific



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Home Network

FUTURE NETWORK

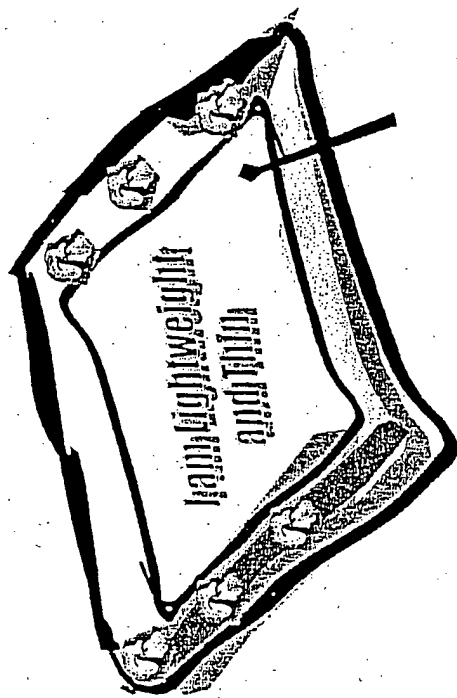


Home Network Components

- Hardware
 - HW interface to PC with BT module
 - BT Tablet
- Software Applications running on the PC
 - SW to launch applications
 - SW to route video to a BT Device
 - SW to perform network routing
 - SW keyboard for data input

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Tablet Evolution

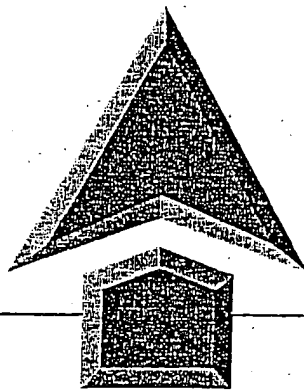


- Better Graphics
- Increase Size of the Display
- Lower Cost
- Real-Time Video Support
- Keyboard
- Different Stylus Types
- 802.11 Support
- Credit Card Readers (point-of-sale)



Preliminary Table Component Cost

LCD	\$80
Processor	\$20
Battery	\$20
Charger	\$10
Audio	\$5
BT module	\$15
Packaging	\$20
Assembly	\$20



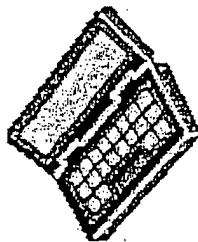
\$190





Product Differentiators

- Palm Pilot
- Laptop
- eBook Reader



BT Tablet has
Better Graphics

BT Tablet can access
other BT devices and
PC SW Applications



BT Tablet costs
less



BT Tablet has
Better Graphics

BT Tablet has Internet
Access

BT Tablet can access
other BT devices and
PC SW Applications



Home Network Features

- Used as a wireless extension of the PC within the home
- Video output is transmitted via BT link to tablet(s)
 - User has access to all applications on the PC
 - Tablet could also act as a device dependent portal for advertising, as well as Internet surfing and eBooks access
 - Video refresh rate over a 732.2 Kbps asynchronous channel is approximately 3.4 seconds
- Tablet has potential to access other BT devices
 - 3rd party devices
 - Additional BT Nextcell devices
 - BT to IR/IR to BT converter (consolidate remote controls)
 - BT repeater
 - Architect the solution for expansion via software upgrade
 - Nextcell controlled code





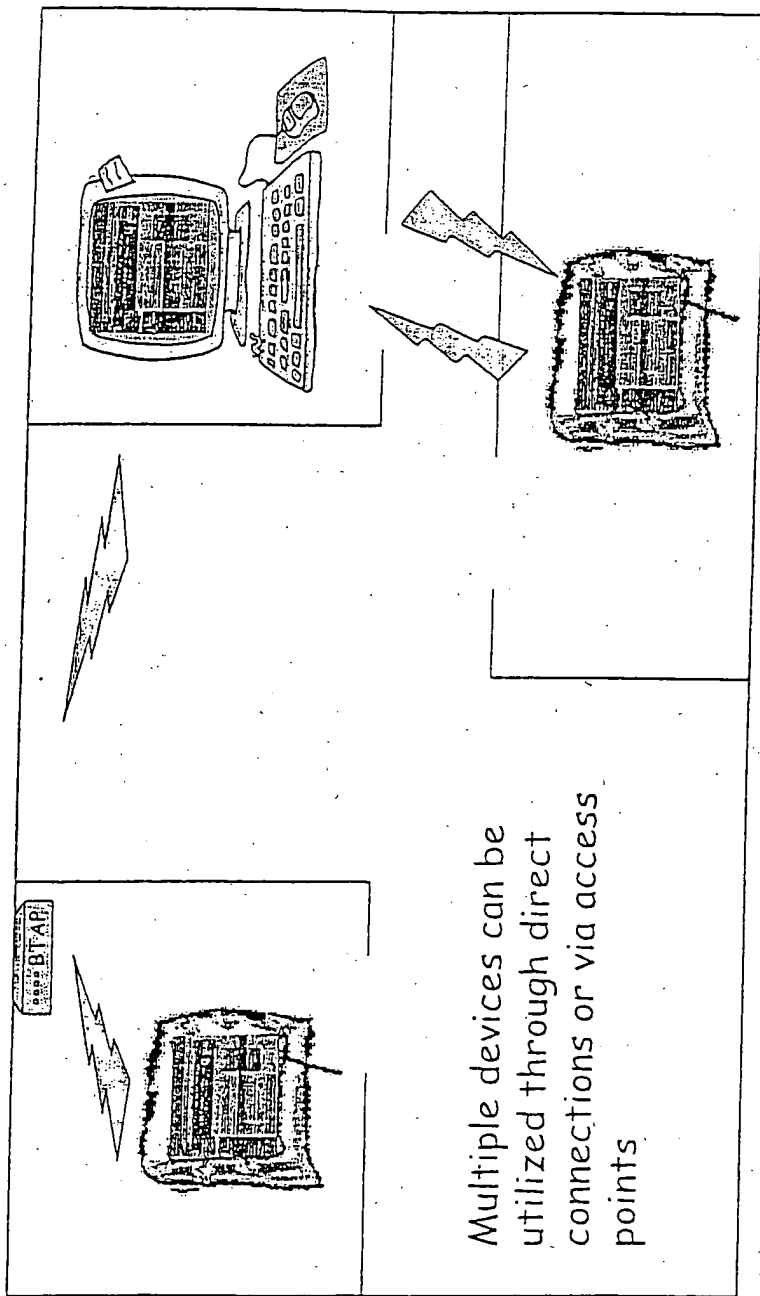
Office Automation

- Two target markets
 - SOHO
 - Enterprise
- SOHO
 - Consumer product solution could be used for supporting a small number of devices in a small office setting
- Enterprise
 - Additional network capability can be added to enhance the overall solution



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SOHIO Network





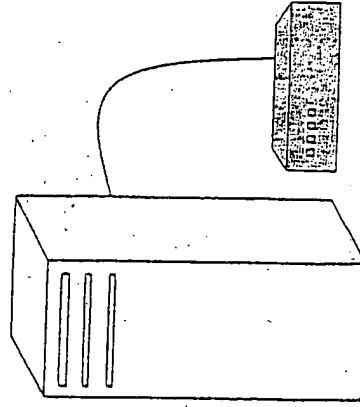
Enterprise Network

- Additional network capabilities
 - BT Server
 - Server product that facilitates BT-specific applications
 - Integrated 802.11 transceiver operating at 5.2 GHz
 - BT Access Point
 - Utilize alternative wireless access in conjunction with BT for transport
 - 802.11 at 5.2 GHz
- PBX interface
 - Port PBX information/functionality to tablet
 - CID to tablet when away from desk
 - Unified messaging
 - Phone setup and management
 - Potential for remote voice support



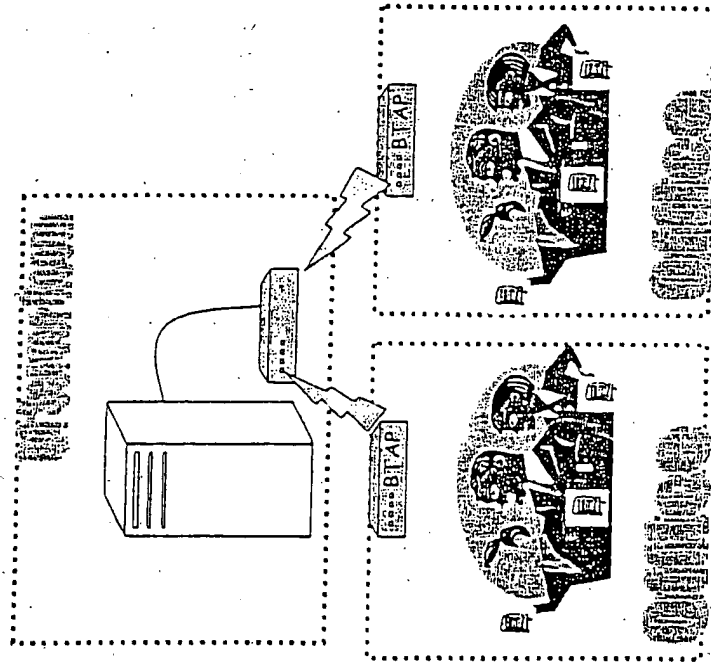
Bluetooth Server

- RS232 Connection to Server or PC Card
- 802.11 Capability - Used with BTAP
- Manages multiple network interconnections
- Would implement BT specific applications
- Would follow LAN access profile defined by BT SIG



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Bluetooth AP



- 802.11 Capability - Used as a high-speed, wireless backbone for data communication
- Used for Picking up to 7 Bluetooth Devices that are within 100 meters from BTAP
- Spaced every 100 meters or less.
- May be used in every office for Bluetooth devices.

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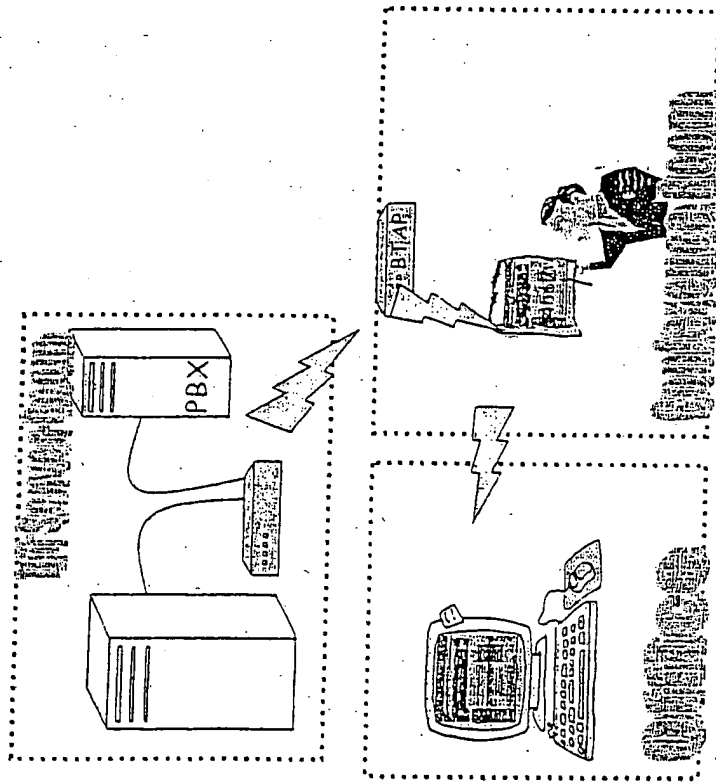
Enterprise Network Concepts

- Server and/or workstation access
- Inter-office paging/messaging
- Whiteboard/application sharing
- Handwriting recognition



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Server and/or Workstation Access

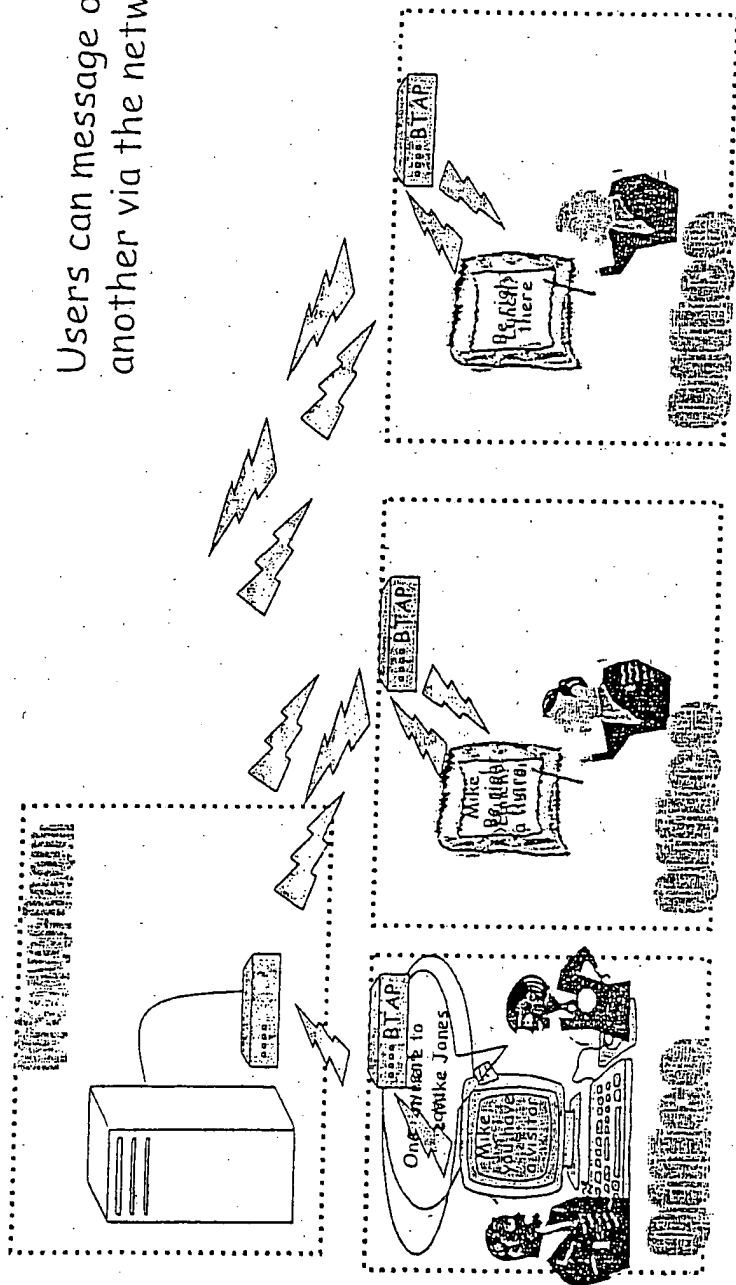


The user also has the option to access the BT enabled server for specific applications

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Inter-office paging/messaging

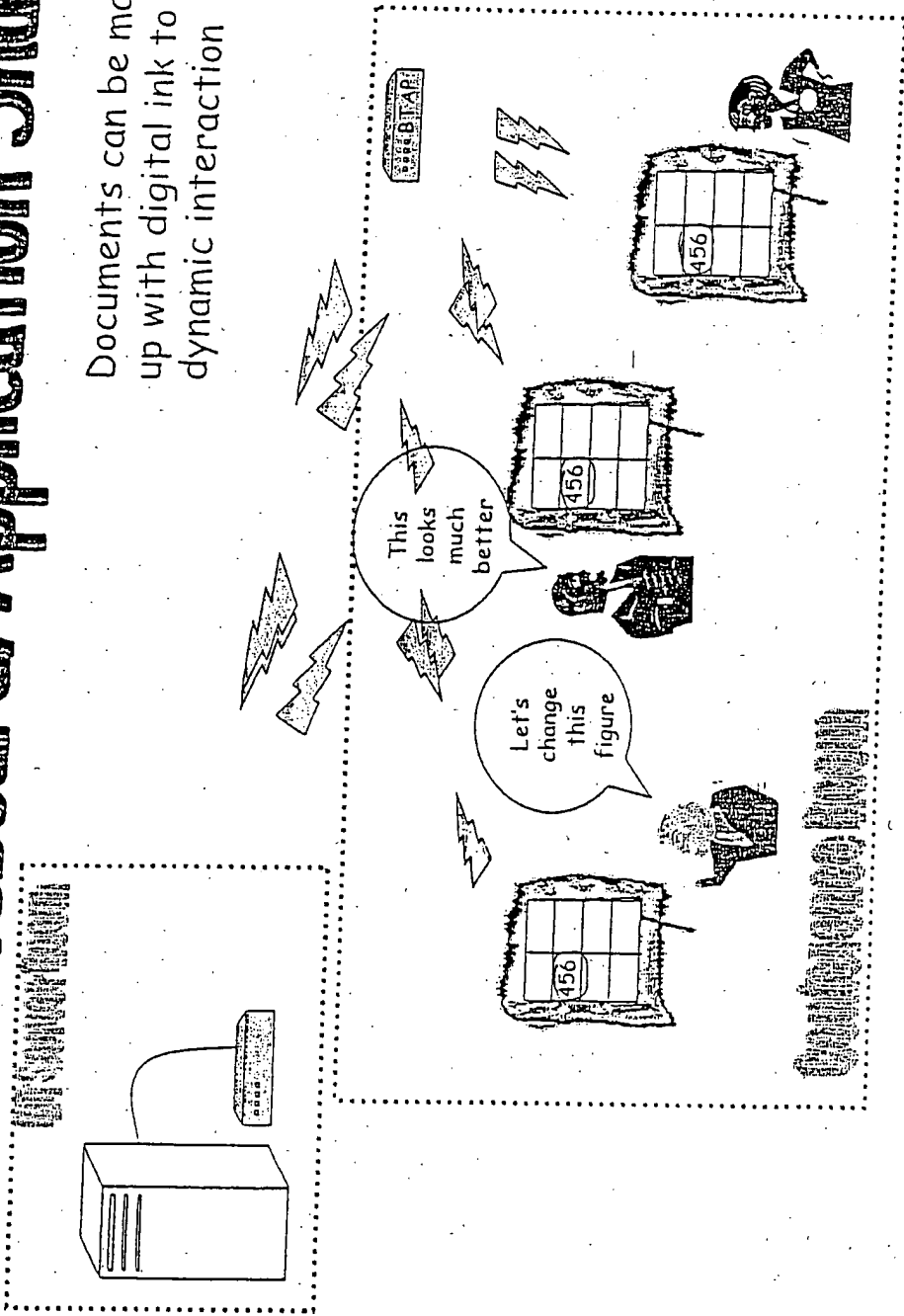
Users can message one another via the network



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Whiteboard/Application Sharing

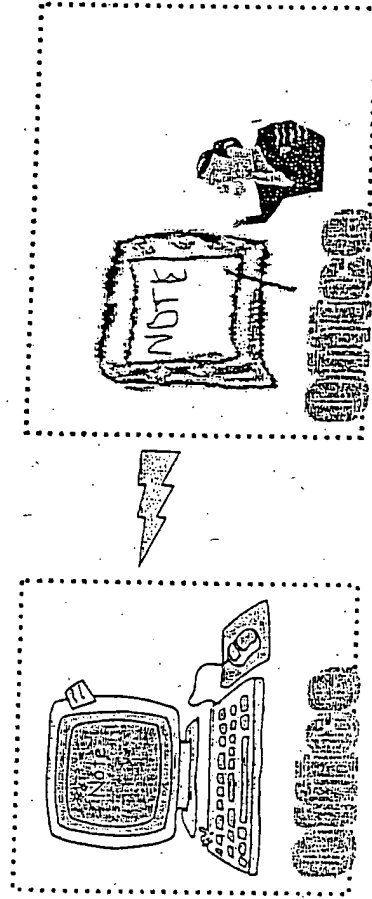
Documents can be marked-up with digital ink to allow dynamic interaction



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Handwriting Recognition

Once the data is transferred, an application is executed against the digital ink information





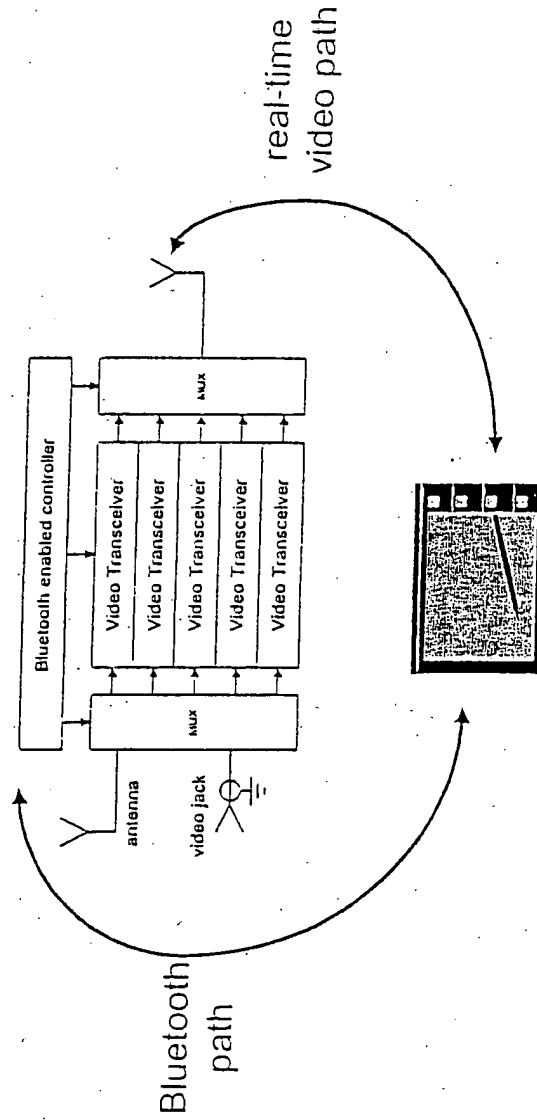
Auxiliary System Components

- Real time Video
- Wireless keyboard
- BT Phone
- HomeRF adapters





Adding real time video to the Bluetooth Network





Other Network Environments

- Restaurants ■■■ Take and fill orders, billing
- Schools ■■■ Test taking, reading
- Sales ■■■ Less equipment
- Hospitals ■■■ Access Records
- Airplanes ■■■ Internet Access
- Hotels ■■■ use with AOL
- Custom Application Design
 - Opportunity to design and develop industry specific solutions incorporating the product(s)





Content Relationship Approach

- Could we subsidize the HW cost with content relationship for a particular service?
- Partner with solution specific web entity
 - Design application(s) that are only accessible through the BT Network design
 - Device dependent portal
 - Service examples
 - Autobytel
 - Vehicle specific transaction service
 - PeaPod
 - Shopping application
 - Aether
 - Real-time trading and market information
 - Portfolio management
 - Day trading
 - DirecTV
 - Utilize web-centric programming guides for creation of custom remote control and viewing options



Next Steps Towards Defining the Project

- Tablet Graphics
 - Analyze LCD display options
 - Learn 'touch screen' technology
 - Get familiar with graphics files, compression and transmission options
- Server Architecture
 - Research remote application startup in virtual video mode
 - Research sending video over serial port
 - Further define routing requirements
- Bluetooth Component
 - Start a Bluetooth emulation over a COM1 serial port
 - Start designing L2CAP layer



From: Origin ID: (972)628-3600
ROBERT D. McCUTCHEON
Davis Munk, P.C.
13155 Noel Road
Suite 900
Dallas, TX 75240



CLS 10/27/05/09/10

Ship Date: 06JAN06
ActWgt: 1 LB
System#: 4955206/INET2300
Account#: S *****

REF: ENFO01-00011



Delivery Address Bar Code

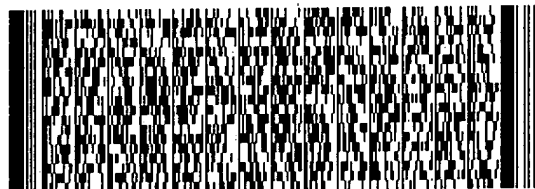
SHIP TO: (972)517-8474

BILL SENDER

Lisa Fillebrown

6708 Norway Court

Plano, TX 75023



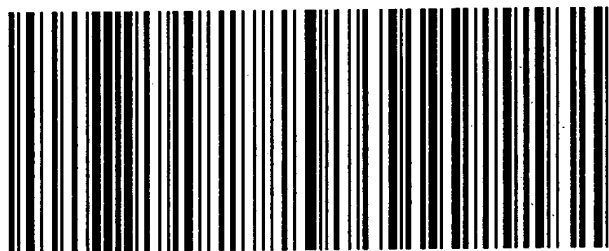
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Tracking number 790770545127
 Signed for by L.FILLEBROWN
 Ship date Jan 6, 2006
 Delivery date Jan 7, 2006 11:35 AM

Reference ENFO01-00011
 Destination Plano, TX
 Delivered to Residence
 Service type Priority Pak
 Weight 1.0 lbs.

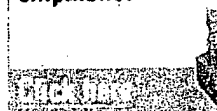
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 Reduce future mistal
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Shipping Freight?
 FedEx has LTL, air fi
[surface and air expe](#)
[multi piece package](#)
[and ocean freight.](#)

Status Delivered

Date/Time	Activity	Location	Details
Jan 7, 2006	11:35 AM	Delivered	Plano, TX
	7:45 AM	On FedEx vehicle for delivery	PLANO, TX
	7:31 AM	At local FedEx facility	PLANO, TX
	4:07 AM	At dest sort facility	DALLAS, TX
Jan 6, 2006	12:45 AM	Arrived at FedEx location	MEMPHIS, TN
	9:42 PM	At dest sort facility	DALLAS, TX
	9:40 PM	Left origin	ADDISON, TX
	7:00 PM	Picked up	ADDISON, TX
	2:58 PM	Package data transmitted to FedEx	

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